

NOT FOR PUBLICATION

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE**

_____	:	
KEVIN CARTER,	:	
	:	Civil Action No. 14-4741(RMB)
Plaintiff,	:	
	:	
v.	:	MEMORANDUM AND ORDER
	:	
UNITED STATES OF AMERICA,	:	
	:	
	:	
Defendant.	:	
_____	:	

BUMB, District Judge:

This matter comes before the Court upon Plaintiff's submission of an amended complaint and submission of his certified inmate trust account statement. (ECF No. 7.) This Court terminated Plaintiff's original submission of his complaint and IFP application due to several deficiencies, some of which have been addressed by Plaintiff dropping his Bivens claims in the amended complaint. (Memorandum, Opinion and Order, ECF No. 4.)

Plaintiff has not yet cured the Court's jurisdictional question with his FTCA claim. As the Court noted in the prior termination of this matter, the Court cannot assume jurisdiction over Plaintiff's FTCA claim unless the final agency disposition

of his claim was within six-months before Plaintiff's original presentment of his claim to this Court. 28 U.S.C. § 2675(a); McNeil v. U.S., 508 U.S. 106, 113 (1993) ("The FTCA bars claimants from bringing suit in federal court until they have exhausted their administrative remedies.")

Plaintiff has not yet established when the final agency disposition of his claim occurred because he cannot find the original document. (ECF No. 7 at 3.) The Court will administratively terminate this action, reserving decision on Plaintiff's IFP application; and Plaintiff shall be allowed to reopen this matter within sixty days, upon filing a copy of the final agency disposition of his FTCA claim or otherwise establishing the date of such action.¹

IT IS therefore, on this 18th day of June 2015,

ORDERED that the Clerk shall administratively terminate this matter, and it is further

ORDERED that if Plaintiff wishes to reopen this case, he shall submit to the Court a written statement establishing the

¹ Plaintiff requested informal discovery to obtain a copy of document establishing the final agency disposition of his FTCA claim. The Court cannot grant such request, as this Court's jurisdiction has not been established. Plaintiff should be able to obtain a copy of the final agency disposition of his FTCA claim without resort to discovery procedures. The Court further notes that jurisdiction is established under 28 U.S.C. § 2675(a) upon failure of an agency to make final disposition of a claim within six months after it is filed, and the claimant so deems the failure to be a final denial of the claim.

date of the final agency disposition of his FTCA claim, addressed to the Clerk of the Court, Mitchell H. Cohen, U.S. Courthouse and Federal Bldg., 400 Cooper Street, Camden, NJ, 08101, within 60 days of the date of entry of this Order; and it is further

ORDERED that upon receipt of the above-described submission by Plaintiff, the Clerk of the Court will be directed to reopen this case; and it is finally

ORDERED that the Clerk shall serve this Memorandum and Order upon Plaintiff by regular U.S. Mail.

s/Renee Marie Bumb
RENÉE MARIE BUMB
United States District Judge